



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

**5 Post Office Square, Suite 100  
Boston, MA 02109-3912**

June 19, 2015

Marc Pinard, Esq.  
Brady Sullivan Properties, LLC  
670 N. Commercial Street  
Manchester, New Hampshire 03101

**Re: Order to Brady Sullivan Properties, LLC Requiring Cleanup, Testing, Analysis and Reporting Under Section 7003 of the Resource Conservation and Recovery Act**

Dear Mr. Pinard:

Thank you for agreeing to remediate the potential and actual imminent and substantial threat to human health from lead-based paint at the Mill West Property managed by Brady Sullivan Properties, LLC ("Brady Sullivan") located at 195 McGregor Street, Manchester, New Hampshire (hereafter the "facility"<sup>1</sup>). We appreciate the commitment that you have expressed during our discussions to meet the cleanup requirements at the facility.

EPA has decided that the work will proceed more smoothly at the facility if conducted under an enforceable mechanism. Thus, with this letter, EPA is ordering cleanup, testing, analysis and reporting pursuant to Section 7003(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6973(a).

Pursuant to Section 7003 of RCRA, once EPA determines that past or present handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste may present an imminent and substantial endangerment to health or the environment, the Administrator may bring suit on behalf of the United States in the appropriate district court against any person (including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility) who has contributed or who is contributing to such handling, storage, treatment, transportation or disposal, to restrain such person from such handling, storage, treatment, transportation or disposal, to order such person to take such other actions as may be necessary, or both. Further, the Administrator may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such

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<sup>1</sup> The term "facility" does not include the Annex Building.

orders as may be necessary to protect public health and the environment.

This Order applies to and binds Brady Sullivan and its officers, employees, trustees, agents, successors, and assigns. No change in ownership, name or corporate status shall alter the obligations to comply with this Order. Brady Sullivan must give notice of this Order to any successors in interest prior to transfer of the facility or its operations and to all contractors, subcontractors, laboratories and consultants retained to help implement this Order. Brady Sullivan must ensure that all such contractors, subcontractors, laboratories and consultants comply with the terms of this Order.

EPA has given the State of New Hampshire notice of the issuance of this Order in accordance with RCRA Section 7003(a), 42 U.S.C. § 6973(a). EPA has provided notice to the City of Manchester, New Hampshire of this action pursuant to Section 7003(c) of RCRA, 42 U.S.C. § 6973(c).

#### **I. LEGAL BASIS FOR ISSUING ORDER UNDER RCRA SECTION 7003**

This section outlines the conclusions of law that support EPA's determination that it has jurisdiction and a factual basis to issue an Order pursuant to RCRA Section 7003 to Brady Sullivan. The legal conclusions are based on the facts contained in Attachment I to this Order and to the administrative record compiled by EPA. The record is available for review at EPA's regional office, which is located at 5 Post Office Square, Suite 100, Boston, MA 02109.

EPA has determined that:

- A. Brady Sullivan is a "person" as that term is defined by RCRA Section 1004(15), 42 U.S.C. Section 6903(15).
- B. The lead dust and chipping lead paint at the facility, as identified in Attachment I hereto, constitutes "solid waste" as that term is defined in Section 1004(27) of RCRA, 42 U.S.C. Section 6903(27).
- C. The solid waste referred to in paragraph B. above has been and/or is currently being handled, stored, treated, or disposed of at the facility;
- D. Based on the information described in Attachment I hereto, EPA has determined that present conditions at the facility may present an imminent and substantial endangerment to health or the environment within the meaning of Section 7003(a) of RCRA, 42 U.S.C. Section 6973(a) arising from the past or present handling, storage, treatment or disposal of lead dust (i.e., "solid waste") at the facility;
- E. Brady Sullivan has been and is currently contributing to the handling and/or storage, treatment and/or disposal of such solid waste at the facility which may present an imminent and substantial endangerment to health or the environment;
- F. The actions required by this Order are consistent with RCRA, and are necessary to protect health or the environment;



## II

### **WORK REQUIRED UNDER THIS ORDER**

- A. Respondent shall **abate the conditions described above by July 15, 2015, by taking, at a minimum, the following steps, in accordance with all applicable federal, state and local laws, regulations and policies:**
1. hire a licensed lead risk assessor and a licensed lead-abatement contractor for the performance of this work;
  2. perform a risk assessment at the facility to identify the extent of the lead contamination and develop a cleanup plan, including a schedule. The cleanup plan shall be submitted to EPA for review and approval.
  3. abate lead dust hazards at the facility in residential apartments and common areas including lead dust on floors, walls, ceilings, window sills, furniture and other objects, and lead paint hazards in common areas; all abated and/or cleaned areas must meet the standard of 40  $\mu\text{g}/\text{ft}^2$ , except for interior window sills and window troughs for which the standard is 250  $\mu\text{g}/\text{ft}^2$  and 400  $\mu\text{g}/\text{ft}^2$ , respectively;
  4. abate lead dust hazards in the office of the New Hampshire Department of Health and Human Services at the facility, and any other area(s) where children and/or pregnant women might visit;
  5. provide site access to state and federal officials;
  6. conduct clearance sampling at the facility following the abatement, and provide all sampling results to EPA; and
  7. provide by email to Molly Magoon ([magoon.molly@epa.gov](mailto:magoon.molly@epa.gov)) written weekly updates describing the work that has been completed and any problems encountered. Updates shall be submitted by close of business each Friday during the period that work is ongoing.
  8. ensure that any sandblast areas at the facility are properly contained until such renovation is completed in accordance with the federal Renovation, Repair and Painting Rule (40 C.F.R. Part 745, Subpart E) as well as state and local requirements.
- B. Within 24 hours of receiving this Order, Respondent shall post signs at appropriate entrances to the facility, advising that EPA has determined that the facility contains solid and/or hazardous wastes (lead-based paint dust and chipping lead-based paint) that may present an imminent and substantial endangerment to human health and the environment. These signs shall be maintained until Brady Sullivan has fully complied with this Order as determined

by EPA.

- C. Brady Sullivan shall use its best efforts to obtain access to residential apartments at the facility to conduct the risk assessment and perform cleanup activities. If Brady Sullivan is unable to obtain access to a residential unit, Brady Sullivan shall notify EPA within 24 hours of such inability.
- D. Off-Site Shipments. All hazardous wastes and constituents removed off-site pursuant to this Order for treatment, storage, or disposal shall be treated, stored, or disposed of at a licensed or permitted RCRA facility.
- E. Compliance with Other Laws. Respondent shall perform all actions required pursuant to this Order in accordance with all applicable local, state and federal laws and regulations.
- F. Final Report. Within thirty (30) days after completion of all actions required under this Order, Brady Sullivan shall submit to EPA a final report certifying that the facility has been abated and/or cleaned of lead dust and meets the standards described in paragraph A. above ("Final Report"). The Final Report shall include a list of quantities and types of materials removed off-site or handled on-site, a list of the ultimate destination of those materials, a presentation of the analytical results of all sampling and analyses performed, and copies of all documentation generated during the Work (e.g., manifests, invoices, bills, contracts and permits). The Final Report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of the Final Report, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

- E. If EPA determines that the work has not been completed in accordance with this Order, EPA will notify Brady Sullivan, provide a list of the deficiencies, and require that Brady Sullivan take any additional actions necessary to correct such deficiencies. Brady Sullivan shall implement any additional actions specified by EPA according to the schedule set forth in EPA's notice. Brady Sullivan shall then submit a modified Final Report in accordance with the EPA notice. Failure by Brady Sullivan to take the additional actions required by EPA shall be a violation of this Order.



### III. INCORPORATION OF DOCUMENTS INTO THIS ORDER

All attachments to this Order are deemed incorporated into, and made an enforceable part of this Order. Upon approval by EPA, all submissions made under this Order shall be deemed incorporated into and made an enforceable part of this Order. Thus, the term "Order" refers to this Order, the attachments to this Order, and all submissions made pursuant to this Order.

### IV. MODIFICATIONS

If warranted by conditions at the facility, the designated EPA inspector, after obtaining concurrence from his/her direct supervisor, may agree in writing to modify the deadlines or substantive performance requirements required by this Order.

### V. CREATION OF DANGER; EMERGENCY RESPONSE

Upon the occurrence of any incident or discovery of any condition that causes or threatens a release of hazardous waste from the facility or endangerment to human health or the environment, Brady Sullivan must notify immediately Molly Magoon, Office of Environmental Stewardship, at (617) 918-1848, or in the event of her unavailability notify the Regional Duty officer of the Emergency Planning and Response Branch, EPA Region I at (617) 918-1261. Please note that nothing in this Order limits the authority of EPA to take or order all action necessary to protect public health, welfare or the environment or prevent, abate or minimize an actual or threatened release of solid and/or hazardous substances, hazardous wastes, or solid wastes, at or from the facility.

### VI. COMMUNITY RELATIONS

At the same time Brady Sullivan submits a cleanup plan to EPA for review and approval, Brady Sullivan shall also submit a plan for communicating the results of the risk assessment and the cleanup plan to the residents of the facility. In addition, Brady Sullivan shall participate, to the extent determined appropriate by EPA, in any community relations plan developed by EPA. Brady Sullivan also shall cooperate with EPA in providing information regarding the work to the public. As requested by EPA, Respondent shall participate in the preparation of information for dissemination to the public and in public meetings which may be held or sponsored by EPA to explain activities at or relating to the Facility.

### VII. POTENTIAL CONSEQUENCE OF FAILURE TO COMPLY

In the event that Brady Sullivan fails or refuses to comply with any requirement of this Order, Section 7003(b) of RCRA, 42 U.S.C. Section 6973(b), authorizes EPA to commence a civil action in the U.S. District Court to require compliance and to assess a civil penalty not to exceed

\$7,500 for each day during which failure or refusal occurs.<sup>2</sup>

We look forward to your continued cooperation in satisfying the requirements of this Order and encourage you to call the following EPA staff members with any questions: Andrea Simpson, Esq. at (617) 918-1738 (for legal issues), or Molly Magoon at (617) 918-1848 (for technical issues).

#### **VIII. RESERVATION OF RIGHTS BY EPA**

EPA reserves all rights against Brady Sullivan and all other persons to take any further civil, criminal, or administrative enforcement action pursuant to any available legal authority (including Section 7003(b) of RCRA, 42 U.S.C. Section 6973(b)), and including the right to seek injunctive relief; the recovery of money expended or to be expended (plus interest); monetary penalties; criminal sanctions; and/or punitive damages regarding: (i) any violation of this Order; or (ii) any actual or potential threat to health or the environment, or any release or threat of release of hazardous substances on, at, in, or near the facility. Nothing in this Order shall preclude EPA from taking any additional enforcement actions, including modification of this Order or issuance of additional Orders, and/or additional actions as EPA may deem necessary, or from requiring Respondent in the future to perform additional activities pursuant to RCRA, or any other applicable law.

EPA further expressly reserves the right both to disapprove work performed by Brady Sullivan or its contractors and to request or order Brady Sullivan to perform tasks in addition to those detailed in this Order, including, but limited to, relocating tenants based on the results of the Risk Assessment. In addition, EPA reserves all rights it may have to undertake response actions at any time and to perform any and all portions of the work activities which Brady Sullivan has failed or refused to perform properly or promptly, and to seek reimbursement from Brady Sullivan for its costs, or seek any other appropriate relief.

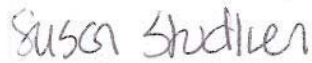
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<sup>2</sup>RCRA Section 7003(b) specifies that the penalty amount is \$5,000. However, the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. Section 3701, and the Civil Monetary Inflation Rule authorize EPA to add an inflation adjustment to the penalty for violations occurring on or after January 12, 2009 (73 Fed. Reg. 75340 (December 11, 2008)). Thus, together, RCRA and the DCIA authorize a maximum civil penalty of \$7,500 per day for non-compliance with the requirements of this Order.



Notwithstanding any other provision of this Order, EPA shall retain all of its information gathering, entry, inspection, and enforcement authorities and rights under any applicable law, regulation, or permit.

Sincerely,



Susan Studlien  
Director  
Office of Environmental Stewardship  
U.S. EPA, Region 1

cc: Kenneth Schefski, OECA  
Beverly Drouin, NH DHHS  
Timothy Souci, City of Manchester

## **ATTACHMENT I**

### **FINDINGS OF FACTS**

In support of the issuance of this Order and based upon the information in the Administrative Record of this Order, EPA makes the following Finding of Facts:

1. Mr. Marc Pinard, general counsel to Brady Sullivan Properties, LLC, attested that the property located at 195 McGregor Street, Manchester, New Hampshire ("facility") is owned by Brady Sullivan Millworks, LLC located at 670 N. Commercial Street, Suite 303, Manchester, NH 03101 ("owner"), and is managed by Brady Sullivan Properties, LLC ("operator") (hereinafter "Brady Sullivan"). The main building of the facility, is a four-story, mixed-use property currently containing 98 occupied residential units (located on the third and fourth floors), as well as commercial space within the facility. The main building was built in 1889. There is an adjacent property to the main building which is called "The Annex." The Annex building also is owned and managed by Brady Sullivan, and has approximately 80 residential units. Renovations currently are being made to the first and second floors of the main building to convert a formerly commercial portion of the building into approximately 98 additional residential units, according to a permit issued by the City of Manchester Planning and Community Development Building Regulations Division to Brady Sullivan/John Reed, dated April 21, 2015, to allow Brady Sullivan to: "Construct 110 dwelling units on ground and second floors in accordance with SP-29-2010, PD-9-2010 and CU-22-2010, as per plans submitted, as per code." (See Exhibit #1: Copy of City of Manchester Permit, dated April 21, 2015.)
2. Brady Sullivan hired Environmental Compliance Specialists, Inc. ("ECSI") on or about May 4, 2015, to sandblast paint from a vacant part of the first floor of the four-story facility. Mr. Jesse Wright, CEO of ECSI, informed EPA Inspector Molly Magoon that the sandblasting work on the first floor of the facility started on approximately May 5, 2015.
3. During the course of the sandblasting, several tenants in the facility observed that dust from the work area entering the common areas of the residential portion of the facility. Because of concerns about the dust, tenants of unit #322 hired a licensed lead paint contractor, Alchemy Lead Management, to test dust in their unit and in the common hallway for lead. Dust wipe sampling was performed by Debbie Valente, a licensed Lead Risk Assessor in the State of New Hampshire (NH License # RA-54). The sampling results revealed the presence of lead in the dust.
4. On May 11, 2015, EPA Inspector Magoon received an email, via a co-worker, from Knatalie Vetter, an Environmental Compliance Inspector for the Healthy Homes and Lead Poisoning Prevention Program, Bureau of Public Health Protection Services, New Hampshire Division of Public Health Services, Department of Health and Human Services, State of New Hampshire (hereinafter "NH DHHS"). Inspector Vetter reported that she had received a complaint, forwarded by New Hampshire Department of Environmental Services, from a current



resident of the facility regarding sandblasting work being conducted there. The complainant stated that he found dust and sandblast media in common areas of the facility and that he was concerned about lead in the dust because his young children walk through the common areas. In addition, the Manchester Health Department (Philip J. Alexakos, Chief of Environmental Health and Emergency Preparedness, and Aaron Krycki, Senior Public Health Specialist) visited the facility on the morning of May 11, 2015, upon receipt of a complaint forwarded by NH DHHS. They determined that abrasive paint removal was taking place on the first floor on the north end of the property. They met with a representative of ECSI and determined that ECSI did not possess a valid permit for abrasive paint removal as is required by the Manchester, NH Code of Ordinances, Section 91.20-23. The work was immediately halted.

5. On May 12, 2015, EPA Inspector Magoon, along with two other inspectors for EPA, Scott Pellerin and Alma Padilla (a Senior Environmental Employee/ grantee of EPA), arrived at the facility. At that time, EPA representatives met with representatives of other agencies at the site - Gabriel Porter, of the U.S. Department of Labor, Occupational Safety and Health Administration ("OSHA"); Knatalie Vetter and Ross Malcolm of New Hampshire Department of Health and Human Services ("NH DHHS"); and Philip Alexakos of the City of Manchester Health Department.

6. On May 12, 2015, EPA Inspector Magoon initiated an inspection of Brady Sullivan regarding its compliance with EPA's Renovation, Repair and Painting Rule ("RRP Rule"), which was enacted under the authority of Section 402(c)(3) of the Toxic Substances Control Act ("TSCA").

7. Inspector Magoon interviewed Mr. Marc Pinard, the general counsel for Brady Sullivan, who gave her and the two other inspectors from EPA permission to visually inspect the property. The EPA and the other agency representatives present determined that additional sampling would be required to determine the extent of possible lead contamination.

8. On May 12, 2015, a representative of NH DHHS, Knatalie Vetter, conducted dust-wipe sampling and X-Ray Fluorescent ("XRF") analysis in common areas at the facility.

9. On May 12, 2015, the EPA representatives, accompanied by Marc Pinard and Scott Payrits of Brady Sullivan, and Jesse Wright of ECSI, walked through the facility. While at the facility, the EPA representatives observed dust throughout the interior common areas of the building, along with some chipping paint on walls and doors in the common areas. Further, the inspectors observed that tenants had access to the common hallways where the NH DHHS inspectors had taken dust wipe samples and XRF readings. The EPA inspectors also noticed several children in the common hallways while they were in the building.

10. Representatives of NH DHHS conducted additional sampling at the facility on May 14, 2015.

11. EPA has received the results of XRF testing and dust wipe sampling conducted by NH

DHHS on May 12 and 14, 2015. These results are as follows:

Dust wipe sampling:

May 12, 2015:

Interior Floor - 1<sup>st</sup> Floor: 1300  $\mu\text{g}/\text{ft}^2$  (standard for floor: 40  $\mu\text{g}/\text{ft}^2$ );

Interior Floor - 2<sup>nd</sup> floor: 610  $\mu\text{g}/\text{ft}^2$  (standard: 40  $\mu\text{g}/\text{ft}^2$ );

Interior Floor - 3<sup>rd</sup> Floor: 630  $\mu\text{g}/\text{ft}^2$  (standard: 40  $\mu\text{g}/\text{ft}^2$ );

Interior Floor - 3<sup>rd</sup> Floor: 630  $\mu\text{g}/\text{ft}^2$  (standard: 40  $\mu\text{g}/\text{ft}^2$ );

May 14, 2015:

Interior Floor – Northeast LL Floor: 340  $\mu\text{g}/\text{ft}^2$  (standard: 40  $\mu\text{g}/\text{ft}^2$ );

Interior Floor – Northeast Entry LL Floor: 97  $\mu\text{g}/\text{ft}^2$  (standard: 40  $\mu\text{g}/\text{ft}^2$ );

Interior – Northeast staircase, Window Sill: 2800  $\mu\text{g}/\text{ft}^2$  (standard for window sill: 250  $\mu\text{g}/\text{ft}^2$ )

XRF Testing Results of testing conducted by NH DHHS on May 12, 2015, resulting in the identification of Lead Paint Hazards, are as follows:

<u>Location</u>	<u>Component</u>	<u>XRF Reading</u>	<u>Standard for Lead Paint:</u>
NW Stairwell – Entry (McGregor Street Side)	Inner doors- door jamb	9.5 $\text{mg}/\text{cm}^2$ (friction surface)	1.0 $\text{mg}/\text{cm}^2$
Exterior (North) (McGregor Street Side)	Exterior window stop	2.5 $\text{mg}/\text{cm}^2$ (chipping)	1.0 $\text{mg}/\text{cm}^2$
McGregor Street Side	Overhead door frame	31.6 $\text{mg}/\text{cm}^2$ (chipping)	1.0 $\text{mg}/\text{cm}^2$
NW Stairwell	Wall	18.9 $\text{mg}/\text{cm}^2$ (chipping)	1.0 $\text{mg}/\text{cm}^2$
NE Stairwell	Painted (tan) brick wall	5.9 $\text{mg}/\text{cm}^2$ (chipping)	1.0 $\text{mg}/\text{cm}^2$
NE Stairwell	Stair riser	7.8 $\text{mg}/\text{cm}^2$ (impact)	1.0 $\text{mg}/\text{cm}^2$

All lead testing results mentioned above are attached, as follows:



- Exhibit 2: NH DHHS Report: “Lead Investigation Survey Report,” which includes XRF test results;
- Exhibit 3: Laboratory Data 195 McGregor Street, Manchester, NH, compiled by NH DHHS.

12. During the course of the inspection on May 12, 2015, Ms. Magoon advised Mr. Pinard and Mr. Payrits that they would have to hire a certified lead abatement contractor to remediate the entire facility. Subsequently, The City of Manchester and NH DHHS officials, along with EPA representatives held several conference calls since the May 12, 2015 inspection. During a call on May 19, 2015, Brady Sullivan agreed to:

- (a) notify the tenants by May 20, 2015, of the lead contamination concerns in the building;
- (b) hire a licensed lead contractor to remove lead contamination from common areas and any residences where lead dust has been identified;
- (c) hire a licensed lead risk assessor to identify the extent of the contamination in the building and develop a cleanup plan that you will submit to the Agencies for review;
- (d) complete the cleanup using a licensed lead contractor; and
- (e) provide daily updates to the Agencies.

13. Lead, a naturally-occurring metal, is a powerful toxicant with no known beneficial purpose in the human body. Virtually all parts of the human body can be damaged from exposure to lead.

14. Lead has been classified as a probable human carcinogen by the United States Environmental Protection Agency and a possible human carcinogen by the International Agency for Research on Cancer.

15. In adults, chronic exposure to low levels of lead may cause memory and concentration problems, hypertension, cardiovascular disease, and damage to the male reproductive system. Exposure to lead before or during pregnancy can alter fetal development and cause miscarriages.

16. While potentially harmful to individuals of all ages, lead exposure is especially harmful to children, especially those under the age of six. Children’s heightened risk level is due not only to children’s normal hand-to-mouth behavior which increases their exposure to lead by ingestion, but also children’s increased physiological ability to ingest lead into their bodies. Furthermore, the rapidly developing nature of infants’ and children’s central nervous systems makes children most at risk of permanent harm from exposure to lead. Exposure to lead in children can cause learning disabilities, reduced intelligence, behavioral problems, growth impairment, permanent hearing and visual impairment, and other damage to the brain and nervous system.

17. Dust containing lead is thought to be a major pathway by which people, especially young children, are exposed to lead. Young children are especially susceptible to lead poisoning from

coming into contact with dust that contains lead.

18. EPA has established the following residential lead standards<sup>1</sup>:

**Dust Hazard:**

Floors: 40 µg/ft<sup>2</sup>

Interior Window Sills: 250 µg/ft<sup>2</sup>

**Dust Clearance:**

Uncarpeted floors: 40 µg/ft<sup>2</sup>

Interior window sills: 250 µg/ft<sup>2</sup>

Window troughs: 400 µg/ft<sup>2</sup>

**Soil Lead Hazard:**

Play area: 400 ppm

Average on bare soil: 1200 ppm

19. The dust and chipping paint containing lead at levels currently present at the facility may present an imminent and substantial endangerment to human health and the environment because they cause elevated blood lead levels associated with adverse human health effects. These adverse effects present a substantial risk to the health of children who may enter the facility and tenants of the facility.

20. Brady Sullivan, as property manager of the facility, is currently, and at all times relevant to this Order, has been responsible for the maintenance of the facility.

**List of Exhibits:**

1. Copy of City of Manchester Permit, dated April 21, 2015;
2. Copy of NH DHHS Report: "Lead Investigation Survey Report," which includes XRF results;
3. Copy of Laboratory Data, 195 McGregor Street, Manchester, NH, compiled by NH DHHS.

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<sup>1</sup>40 C.F.R. Part 745; 66 Fed. Reg. 1212, (January 5, 2001)



## EXHIBIT 1



CITY OF MANCHESTER  
PLANNING AND COMMUNITY DEVELOPMENT  
BUILDING REGULATIONS DIVISION  
One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 Fax: (603) 624-6529  
E-Mail: pcd@manchesternh.gov www.manchesternh.gov

Leon L. LaFreniere, AICP  
Director

Pamela H. Goucher, AICP  
Deputy Director Planning & Zoning

Matthew M. Sink  
Deputy Director Building Regulations

**PERMIT**

Date 4/21/15

Application Number . . . . . 15-00001140  
Property Address . . . . . 195 MCGREGOR ST  
Map-Lot: . . . . . TPK5 -0002  
Old Utility Account No.: . . . . . 11613706000  
Tenant nbr, name . . . . . 110 UNITS  
Application type description . . . . . RESIDENTIAL-NEW, 5+ UNITS  
Property Zoning . . . . . AMOSKEAG MILLYARD  
Application valuation . . . . . 6500000

Owner

BRADY SULLIVAN MILLWORKS, LLC  
670 N COMMERCIAL ST  
MANCHESTER NH 03101

Contractor

BRADY SULLIVAN/JOHN REED  
670 N. COMMERCIAL ST STE 303  
JREED@BRADYSULLIVAN.COM  
MANCHESTER NH 03101  
(603) 851-4052

Permit . . . . . BUILDING PERMIT  
Additional desc . . . . .  
Permit Fee . . . . . 65000.00  
Issue Date . . . . . 4/21/15  
Expiration Date . . . . . 10/18/15  
Plan Check Fee . . . . . .00  
Valuation . . . . . 6500000

Qty	Unit Charge	Per	Extension
6500000.00	.0100	BLDG NEW-OTHER/ALT/RENOV.	65000.00

Special Notes and Comments  
Construct 110 dwelling units on ground  
and second floors in accordance with  
SP-29-2010, PD-9-2010 and CU-22-2010, as  
per plans submitted, as per code.

Other Fees . . . . .  
APPLIC FEE - BUILDING 25.00  
ARCHIVING FEE 156.00  
PLAN REVIEW FEE 2460.00

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	65000.00	65000.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Other Fee Total	2641.00	2641.00	.00	.00
Grand Total	67641.00	67641.00	.00	.00

*Leon L. LaFreniere*

Director - Planning & Community Development

APR 21 2015

Date

CONTACT CUSTOMER SERVICE AT LEAST ONE DAY  
IN ADVANCE TO SCHEDULE AN INSPECTION.  
Appointments left by voicemail will not be accepted.

The Board of Assessors receives copies of all building  
permits issued and is authorized to inspect affected  
properties. A tax inspection may be scheduled by calling  
the Assessor's Office at (603) 624-6520



## EXHIBIT 2

# Lead Investigation Survey Report

**PROPERTY LOCATION:**

The Lofts at Mill West  
195 McGregor St.  
Manchester, NH 03102

**PROPERTY OWNER:**

Brady Sullivan Properties, LLC  
670 North Commercial St  
Manchester, NH 03101

**DATE INVESTIGATED:**

5/12/2015

**INSPECTOR SIGNATURE:**

Ross A. Malcolm  
Environmental Lead Inspector

**X-RAY FLUORESCENT UNIT:**

Niton XLp 306A, ☐ SN 22799 ☒ SN 91708

**CALIBRATION STANDARD**

1.04 mg/cm<sup>2</sup>

**PRE-CALIBRATION MG/CM<sup>2</sup>**

1.0, 1.0, 1.1

**POST CALIBRATION MG/CM<sup>2</sup>**

1.0, 1.1, 1.0

**RESOLUTION: 377.3**

380.1 (Post)

**DEPTH INDEX: 2.6**

2.7 (Post)

STATE OF NEW HAMPSHIRE

DEPARTMENT OF HEALTH & HUMAN SERVICES

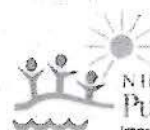
DIVISION OF PUBLIC HEALTH SERVICES

HEALTHY HOMES AND LEAD POISONING PREVENTION PROGRAM

29 HAZEN DRIVE

CONCORD, NEW HAMPSHIRE 03301

— 1-800-897-LEAD (5323) —

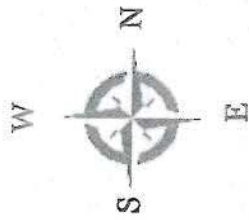


NH DIVISION OF  
Public Health Services  
Improving health, preventing disease, reducing costs for all  
Department of Health & Human Services

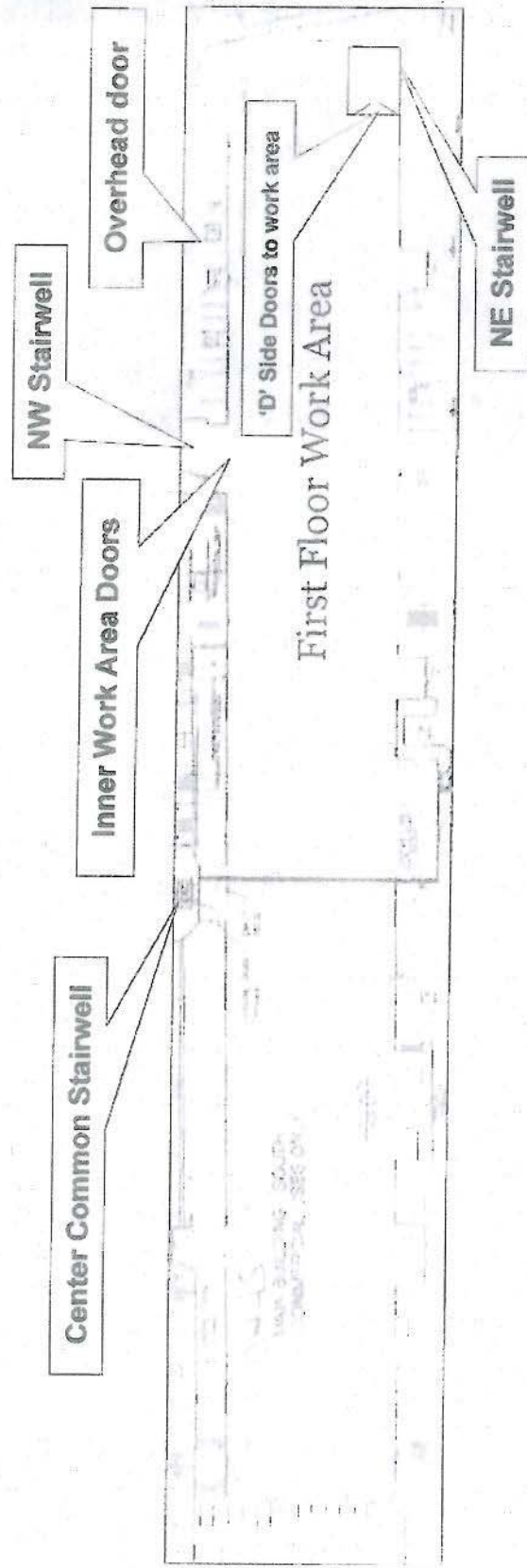




**Lead Inspection Property Diagram**  
195 McGregor St, Manchester, NH



**A**  
(McGregor Street Side)



**C**  
Merrimack River Side

**Lead Inspection X-Ray Fluorescent Readings**  
195 McGregor St, Manchester, NH

Room	Side	Component	Color	XRF Reading (mg/cm <sup>2</sup> )	Hazard * Y/N	TYPE OF HAZARD			Comments
						Chipping	Friction/ Impact	Chewable	
Inner Work Area	A	Door Jamb	Green	9.5	Y		Y		Inside NW Stairwell
Exterior	A	Window Exterior Stop	Red	2.5	Y	Y			At Gas Meters
Overhead Door	A	Door Frame	Red	31.6	Y	Y			"Loading Dock"
NW Stairwell	B	Wall	Tan	18.9	Y	Y			At 4 <sup>th</sup> floor
NE Stairwell	A	Brick Wall	Tan	5.9 <sup>f</sup>	Y	Y			At first floor
NE Stairwell	A	Stair Riser	Green	7.8	Y	Intact	Y		First → second floor
NE Stairwell	-	Stair Tread	Green	12.4	Y		Y		First → second floor
NE Stairwell	D	Door	Green	7.3	N	Intact			Door to work area
NE Entry	C	Door (L)	Green	4.6	N	Intact			Doors pinned open
NE Entry	C	Door (R)	Green	4.3	N	Intact			Doors pinned open

\*This limited inspection was performed to determine whether a lead exposure hazard as defined by RSA 130-A:1, XVI exists within the dwelling unit. Not all lead exposure hazards have been identified.



## EXHIBIT 3

# Laboratory Data 195 McGregor Street, Manchester, NH

Sample Name	Third Floor Apt/Location	Date	Collected by	Result	Clearance Standard
BS	Brick Window Sill	5/11/2015	Risk Assessor	6,200 µg/ft²	250µg/ft²
US	Upper Window Wood Sill	5/11/2015	Risk Assessor	720 µg/ft²	250µg/ft²
W	Window Well	5/11/2015	Risk Assessor	4,400 µg/ft²	400µg/ft²
FD	Front Door Floor	5/11/2015	Risk Assessor	2,200 µg/ft²	40µg/ft²
FCA	Front Common Area Floor	5/11/2015	Risk Assessor	25,000 µg/ft²	40µg/ft²
LSB	Left Window Brick Sill	5/11/2015	Risk Assessor	4,500 µg/ft²	250µg/ft²
LW	Left Window Well	5/11/2015	Risk Assessor	4,200 µg/ft²	400µg/ft²
CLV	Analytical Field Blank	5/11/2015	Risk Assessor	<10 µg/ft²	N/A
<b>Sample Name</b>	<b>Northwest Stairwell/Location</b>				
HR	McGregor Street Side Level 1 - hand rail	5/12/2015	HHLPPP	17 µg/ft²	(Note 4)
ASL1	McGregor Street Side Level 1 – floor sample	5/12/2015	HHLPPP	1,300 µg/ft²	40µg/ft²
ASL2	McGregor Street Side Level 2 – floor sample	5/12/2015	HHLPPP	610 µg/ft²	40µg/ft²
ASL3	McGregor Street Side Level 3 – floor sample	5/12/2015	HHLPPP	630 µg/ft²	40µg/ft²
ASL3	McGregor Street Side Level 3 – floor sample	5/12/2015	HHLPPP	630 µg/ft²	40µg/ft²
BS	Analytical Field Blank	5/12/2015	HHLPPP	<0.5 µg/ft²	N/A
<b>Sample Name</b>	<b>Exterior loose Blast Grit/Paint</b>				
ASBG	McGregor Street Side, NW corner of building – bulk sample	5/12/2015	HHLPPP	2,000 ppm	(Note 5)
<b>Sample Name</b>	<b>Center Entrance Common Stairwell/Location</b>				
L. Level Stairwell Floor	McGregor Street Side Lower Level - floor sample	5/14/2015	HHLPPP	28 µg/ft²	40µg/ft²
1 <sup>st</sup> Floor Stairwell	McGregor Street Side 1 <sup>st</sup> Floor – floor sample	5/14/2015	HHLPPP	41 µg/ft²	40µg/ft²
2 <sup>nd</sup> Floor Stairwell	McGregor Street Side 2 <sup>nd</sup> Floor – floor sample	5/14/2015	HHLPPP	82 µg/ft²	40µg/ft²
3 <sup>rd</sup> Floor Stairwell	McGregor Street Side 3 <sup>rd</sup> Floor – floor sample	5/14/2015	HHLPPP	73 µg/ft²	40µg/ft²
4 <sup>th</sup> Floor Stairwell	McGregor Street Side 4 <sup>th</sup> Floor – floor sample	5/14/2015	HHLPPP	42 µg/ft²	40µg/ft²
4 <sup>th</sup> Floor window sill	McGregor Street Side 4 <sup>th</sup> floor - Window Sill	5/14/2015	HHLPPP	76 µg/ft²	250µg/ft²
4 <sup>th</sup> Floor window well	McGregor Street Side 4 <sup>th</sup> Floor - Window well	5/14/2015	HHLPPP	230 µg/ft²	400µg/ft²
4 <sup>th</sup> Floor stair cap	McGregor Street Side 4 <sup>th</sup> Floor - Stair cap	5/14/2015	HHLPPP	41 µg/ft²	(Note 4)



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Sample Name	NE Common Stairway	Date	Collected by	Result	Clearance Standard
NE Stairs LL Floor	Northeast corner entry lower level – floor sample	5/14/2015	HHLPPP	340 µg/ft <sup>2</sup>	40µg/ft <sup>2</sup>
NE Stairs LL Sill	Northeast corner entry lower level - window sill	5/14/2015	HHLPPP	2,800 µg/ft <sup>2</sup>	250µg/ft <sup>2</sup>
NE Stairs 4 <sup>th</sup>	Northeast corner entry lower level – floor	5/14/2015	HHLPPP	97 µg/ft <sup>2</sup>	40µg/ft <sup>2</sup>
"5 <sup>th</sup> Floor"	Analytical Field Blank	5/14/2015	HHLPPP	<0.5 µg/ft <sup>2</sup>	N/A
<b>Sample Name</b>	<b>4<sup>th</sup> Floor Apartment</b>				
EWf	Entryway Floor	5/18/2015	HHLPPP	Results pending	40µg/ft <sup>2</sup>
LF	Loft Area Floor	5/18/2015	HHLPPP	Results pending	40µg/ft <sup>2</sup>
DWS	Dining Room Window Sill	5/18/2015	HHLPPP	Results pending	250µg/ft <sup>2</sup>
<b>Sample Name</b>	<b>DHHS District Office</b>				
DHHSWS100WS	Workstation 100 Window Sill	5/18/2015	HHLPPP	Results pending	250µg/ft <sup>2</sup>
DHHSIR1WS	Interview Room 1 Hallway Window Sill	5/18/2015	HHLPPP	Results pending	250µg/ft <sup>2</sup>
DHHSIR1F	Interview Room 1 Floor	5/18/2015	HHLPPP	Results pending	40µg/ft <sup>2</sup>
DHHSRLWS	Lunch Room North Window Sill	5/18/2015	HHLPPP	Results pending	250µg/ft <sup>2</sup>
STEL1F	South Tower Entrance level 1 Floor	5/18/2015	HHLPPP	Results pending	40µg/ft <sup>2</sup>
51815B	Analytical Field Blank	5/18/2015	HHLPPP	Results pending	N/A
<b>XRF Testing Location</b>	<b>Location/Component</b>	<b>Date</b>	<b>Tester</b>	<b>XRF Result/ (Hazard Type)</b>	<b>Standard</b>
1 <sup>st</sup> Floor Work area NW Stairwell - Entry	McGregor Street Side Inner doors-door jamb	5/12/2015	HHLPPP	9.5 mg/cm <sup>2</sup> (friction surface)	1.0 mg/cm <sup>2</sup>
McGregor Street Side Exterior (North)	McGregor Street Side Exterior window stop	5/12/2015	HHLPPP	2.5 mg/cm <sup>2</sup> (chipping)	1.0 mg/cm <sup>2</sup>
McGregor Street Side overhead door	Overhead door frame	5/12/2015	HHLPPP	31.6 mg/cm <sup>2</sup> (chipping)	1.0 mg/cm <sup>2</sup>
NW Stairwell	Wall	5/12/2015	HHLPPP	18.9 mg/cm <sup>2</sup> (chipping)	1.0 mg/cm <sup>2</sup>
NE Stairwell	Painted (tan) brick wall	5/12/2015	HHLPPP	5.9 mg/cm <sup>2</sup> (chipping)	1.0 mg/cm <sup>2</sup>
NE Stairwell	Stair riser	5/12/2015	HHLPPP	7.8 mg/cm <sup>2</sup> (impact)	1.0 mg/cm <sup>2</sup>

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XRF Testing Location	Location/Component	Date	Tester	XRF Result/ (Hazard Type)	Standard
NE Stairwell	Stair tread	5/12/2015	HHLPPP	12.4 mg/cm <sup>2</sup> (friction)	1.0 mg/cm <sup>2</sup>
NE Stairwell	Door (D-side) - paint intact, non-friction side	5/12/2015	HHLPPP	7.3 mg/cm <sup>2</sup>	1.0 mg/cm <sup>2</sup>
NE Entry doors	Door (left) - paint intact, door fixed open	5/12/2015	HHLPPP	4.6 mg/cm <sup>2</sup>	1.0 mg/cm <sup>2</sup>
NE Entry doors	Door (right) - paint intact, fixed open	5/12/2015	HHLPPP	4.3 mg/cm <sup>2</sup>	1.0 mg/cm <sup>2</sup>
<b>XRF Testing Location</b>	<b>4<sup>th</sup> Floor Apartment/Component</b>	<b>Date</b>	<b>Tester</b>	<b>XRF Result</b>	<b>Standard</b>
XRF Testing of sandblasted bare wood in apartment, listed below. Some visible paint in wood (not a lead exposure hazard as defined by RSA-130A)					
Dining Room-Merrimack River Side	Baseboard (east side of dining room)	5/18/2015	HHLPPP	0.6mg/cm <sup>2</sup>	1.0 mg/cm <sup>2</sup>
Loft Area	Ceiling	5/18/2015	HHLPPP	0.3 mg/cm <sup>2</sup>	1.0 mg/cm <sup>2</sup>
Loft Area	Exposed beam	5/18/2015	HHLPPP	3.7 mg/cm <sup>2</sup>	1.0 mg/cm <sup>2</sup>
Loft Area	Exposed beam	5/18/2015	HHLPPP	0.4 mg/cm <sup>2</sup>	1.0 mg/cm <sup>2</sup>

### Notes:

1. All floor wipe samples are 12"X 12," and results reported as micrograms per square foot (µg/ft<sup>2</sup>).
2. Window sill/window well wipe sample areas are measured, and results reported as micrograms per square foot (µg/ft<sup>2</sup>).
3. EPA/HUD Clearance criteria are as follows, for dust wipes:

- Floors: 40µg/ft<sup>2</sup>
- Window sills: 250µg/ft<sup>2</sup>
- Window wells: 400µg/ft<sup>2</sup>.

For soils, the clearance criteria are:

- Soil <1200ppm
- Child's play area <400ppm

4. No EPA standard for this component. Sampled due to visible dust.

5. Blast grit/paint chips, dust found outside containment area, on bldg. exterior. Exceeds EPA soil standard(s) listed above.



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6. X-Ray Fluorescence (XRF) instrument measurements of dried film (paint) on a substrate must be  $\geq 1.0$  milligram per centimeter squared ( $\text{mg}/\text{cm}^2$ ) to be lead paint, by definition. Not every instance of lead paint is necessarily a lead exposure hazard. Lead exposure hazard types (where applicable) are noted on the line item XRF reading.
7. Shaded area indicate laboratory data that exceeds a federal or state limit.
8. For additional definitions, see: <http://www.gencourt.state.nh.us/rsa/html/X/130-A/130-A-1.htm>

### Building Sketch:

